

Appl. No. 10/088,247

Response dated July 8, 2004

Reply to Non-Final Office Action of March 15, 2004

REMARKS

Applicants respectfully request reconsideration of the rejection of claims 18, 20-25 and 33 under 35 USC 103(a) as being obvious in view of Bernard et al. (US 6,274,364). No amendments have been made to the claims at this time for the reasons presented below. It is respectfully submitted that Bernard et al. do not disclose or teach compositions and processes for the treatment of hair.

Bernard et al. relate to the treatment of skin, specifically to treatments for reducing intercorneocyte cohesion which, in turn, facilitates desquamation (please refer to col. 1, lines 19-20). The reference does not disclose or teach formulations for treating (specifically, coloring) keratin fibers. Transglutaminase activity is specifically directed to the treatment of skin (please refer to col. 7, lines 4-16). Furthermore, while shampoos, dyeing formulations and hair restructuring lotions are mentioned (col. 8, lines 15-24), it is for the purpose of showing the different types of formulations into which the skin treatment compositions of Bernard et al. may be blended. The skin treatment formulations of the reference may be co-formulated with a variety of different cosmetic treatments. The focus of the compositions and processes of Bernard et al. is not keratin fibers, but rather skin. The patentees merely teach that their skin treatment formulation may be blended and applied with other cosmetic treatments, including hair care formulations. But, they do not disclose or teach that their formulations are used to treat hair.

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Reconsideration is respectfully requested of the rejection of claims 19, 26-28 and 30-32 under 35 USC 103(a) as being obvious over Bernard et al. ('364) in view of McDevitt et al. (US 6,051,033). Applicants respectfully submit that this secondary reference fails to overcome the deficiencies of the primary reference. The objective of the formulations and methods of McDevitt et al. is to prevent shrinkage in wool and related animal hair fibers. It does not disclose, teach or even suggest that these formulations and methods may be used to color keratin fibers. Further, it is respectfully submitted that a process and formulation directed at coloring keratin fibers clearly cannot be regarded as being obvious to one skilled in the art over the combined teachings of a disclosure directed at the treatment of skin (Bernard et al.) and a disclosure directed at preventing shrinkage in wool (McDevitt et al.). There is no motivation to combine these references within the context of Applicants' claimed invention.

Applicants gratefully acknowledge the Examiner's recognition of the allowability of the subject matter of dependent claim 29. However, this claim has not been rewritten as an independent claim at this time in order to afford the Examiner the opportunity to consider the arguments presented above and withdraw the grounds of rejection set forth in the outstanding Office Action.

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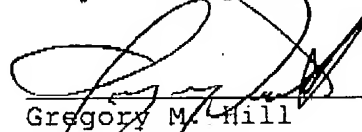
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Applicants also gratefully acknowledge the allowability of claims 34-36.

CONCLUSION

In view of the amendments and remarks above, Applicants ask for reconsideration and allowance of all pending claims. Applicants further ask for extension of the period for response to be extended one month to July 15, 2004 and authorize a charge to Deposit Account No. 01-1250 in the amount of \$ 110.00 for the extension fee. Order No. 04-0245. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully submitted,



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